HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 7284 of 2007

PETITIONER		Dr. Pritam Ram, S/o Late Chamru Ram, Aged about 49 years, Occupation – Block Medical Officer (asst. sug.) Presently working at Community Health Centre, Rajpur, District Surguja (C.G.)
		Versus
RESPONDENTS	**1**	State of Chhattisgarh, Through: Secretary Health, D.K.S. Bhawan, Raipur (C.G.)
	2	Collector, District Surguja (C.G.)
	3.	Chief Medical Officer, Ambikapur, District Surguja (C.G.)
	4.	Dr. Asarita Kachchhap, Medical Officer, Bhanpuri, District Baster (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri P.S. Koshy and Shri Rakesh Jha, Counsel for the petitioner.

Shri Sumit Verma, Panel Lawyer for the State on advance copy.

ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioner submit that the petitioner, who is working on the post of Medical Officer has been transferred from Rajpur, District Sarguja to District Hospital, Jashpur on administrative grounds.

On being pointedly asked from learned counsel for the petitioner that since when the petitioner is posted at Rajpur, they submit that the petitioner is posted at Rajpur since long back i.e.12-15 years.

Learned counsel for the petitioner submit that son of the petitioner is studying in Class-XII and the order of transfer may adversely affect his studies. They submit that atleast the petitioner may be retained at Rajpur till the final examination of Class-XII is over.

These are not the grounds to interfere with an order of transfer by a Court of Law.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafides or extraneous consideration or is against any statutory Rules or Act, it cannot be interfered by a Court of Law.

In the present case, learned counsel for the petitioner could not point out any circumstance to show that the order of transfer is vitiated by malafides or extraneous considerations or is against any statutory Rules or the Act.

I do not find any reason to interfere with the order of transfer.

The petition has no merit and the same is dismissed at the motion stage itself.

However, since the petitioner is praying for his retention till March – April 2008, which is the academic education session, he may file a representation before the concerned authority in this regard and the concerned authority shall dispose of the same in accordance with law keeping in mind the specific exigency raised by the petitioner.

Sd/-
Sunil Kumar Sinha
Judge

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